TROUTMAN SANDERS LLP
David J. Sheehan (DS 4818)
Clement H. Berne (CB 3579)
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102
(973) 645-0772

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ALEXANDRIA ELIAS, ROXANNE SCHER, DOLORES BAEZ and JENNIFER TOSI, on behalf of themselves and all others similarly situated,	:	**Civil Action No.: 2:06-cv-02448-KSH-PS**
Plaintiffs,	:	
-against-	:	**DECLARATION OF MATTHEW J. AARONSON**
UNGAR'S FOOD PRODUCTS, INC., d/b/a DR. PRAEGER'S SENSIBLE FOODS and SENSIBLE FOODS LLC d/b/a, DR. PRAEGER'S SENSIBLE FOODS,	:	
Defendants.	:	

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MATTHEW J. AARONSON, declares, under penalties of perjury, as follows:

1. I am a member of the firm of Troutman Sanders LLP, attorneys for plaintiffs Alexandria Elias, Roxanne Scher, Dolores Baez and Jennifer Tosi ("plaintiffs"). I submit this declaration pursuant to the Court's January 15, 2008 order directing Plaintiffs to provide information regarding the submission of samples of the products at issue to ABC Research Corporation for testing.

2. On or about May 23, 2006, at my direction, Nanci Weisbord, a paralegal employed by Troutman Sanders LLP, purchased the following five packages of defendants'

products at the D'Agostinos supermarket located at 578 3rd Ave, New York, NY and the Gristedes supermarket located at 748 Second Avenue, New York, NY:

Dr. Praeger's California Veggie Burgers (Lot Code T06BG)
Dr. Praeger's Broccoli Pancakes (Lot Code N06BG)
Dr. Praeger's Broccoli Pancakes (Lot Code R06CE)
Dr. Praeger's Potato Pancakes (Lot Code I05CH)
Dr. Praeger's Potato Pancakes (Lot Code R06CE)

3. Immediately after the five packages identified in paragraph 2 above were purchased, copies were made of each side of each package and the unopened packages were placed in the freezer at Troutman Sanders LLP's office. Copies of each side of the boxes (bates numbered P 0007- P 0036) are attached hereto as Exhibit 1.

4. At approximately 7:30PM on May 24, 2006, I placed the five frozen unopened packages of defendants' products identified in paragraph 2 above in a cooler with ice packs, as directed by Katherine Barry of ABC Research Corp., and had the cooler shipped by Federal Express for next day delivery to Ms. Barry. Attached hereto as Exhibit 2 is a copy of the transmittal letter sent to Ms. Barry with the products identified in paragraph 2 above, along with a copy of the Sample Submission Form submitted to ABC Research Corp. which confirms that the five packages were received by ABC Research Corp. on May 25, 2006 and that the products contained in the packages were frozen when they arrived.

5. At the time I placed the five packages in the cooler, they were unopened and were in the same condition as they had been when they were purchased the day before. During the time these five packages were in the possession of Troutman Sanders, they were not tampered with or altered in any manner.

6. Because it was my understanding based upon my initial conversation with Ms. Barry that the processes used to test the products would consume all of the samples sent to ABC Research Corp., I did not ask Ms. Barry to retain any unused portions of the samples, as it was

my understanding that none would exist. I did however, request that ABC Research Corp. preserve the product packaging and return it to me upon completion of testing. Pursuant to this direction, the cardboard packaging of the five packages identified in paragraph 2 above was returned to Troutman Sanders, and will be made available for inspection, if requested.

7. On or about June 18, 2006, I purchased the following two packages of defendants' products at the Waldbaum's supermarket located in Jericho, NY:

Dr. Praeger's California Veggie Burgers (Lot Code F06CB)
Dr. Praeger's Spinach Pancakes (Lot Code W05AB)

8. Immediately after the two packages identified in paragraph 7 above were purchased, the unopened packages were placed in the freezer at my home in Jericho, NY. The next day, June 19, 2006, I placed the two packages of defendants' products in a cooler with ice packs and transported them to Troutman Sanders' office in New York, NY. Upon my arrival at Troutman Sanders' office, copies were made of each side of the two packages and the unopened packages were placed in the freezer at Troutman Sanders' office. Copies of each side of the boxes (bates numbered P 0040 – P 0051) are attached hereto as Exhibit 3.

9. At approximately 7:30PM on June 19, 2006, I placed the two frozen unopened packages of defendants' products identified in paragraph 7 above in a cooler with ice packs, as directed by Kathy Barry of ABC Research Corp., and had the cooler shipped by Federal Express for next day delivery to Ms. Barry. Attached hereto as Exhibit 4 is a copy of the transmittal letter sent to Ms. Barry with the products identified in paragraph 7 above, along with a copy of the Sample Submission Form submitted to ABC Research Corp. which confirms that the two packages were received by ABC Research Corp. on June 20, 2006 and that the products contained in the packages were frozen when they arrived.

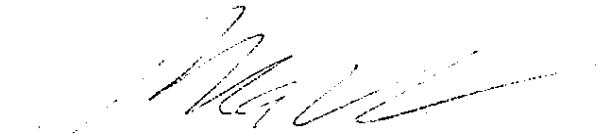
10. At the time I placed the two packages in the cooler, they were unopened and were in the same condition as they had been when they were purchased the day before. During the time these five packages were in the possession of Troutman Sanders, they were not tampered with or altered in any manner.

11. Because it was my understanding based upon my initial conversation with Ms. Barry that the processes used to test the products would consume all of the samples sent to ABC Research Corp., I did not ask Ms. Barry to retain any unused portions of the samples, as it was my understanding that none would exist. I did however, request that ABC Research Corp. preserve the product packaging and return it to me upon completion of testing. Pursuant to this direction, the cardboard packaging of the two packages identified in paragraph 7 above was returned to Troutman Sanders, and will be made available for inspection, if requested.

12. Lastly, at no time did I or anyone else acting on behalf of plaintiffs direct ABC Research Corp. to destroy any samples or packaging.

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 30, 2008



MATTHEW J. AARONSON

EXHIBIT 1

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

california veggie burgers

Made with Oat Bran

0g trans fat, saturated fat & cholesterol

GMO Free

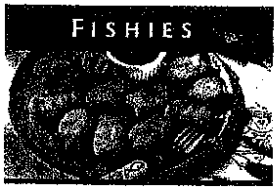
American Heart Association

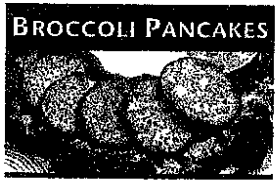
Meets American Heart Association food criteria for saturated fat and cholesterol for healthy people over age 2.

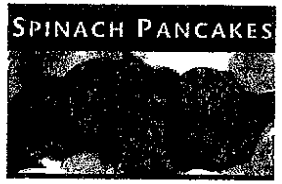
While many factors affect heart disease, diets low in saturated fat and cholesterol may reduce the risk of this disease.

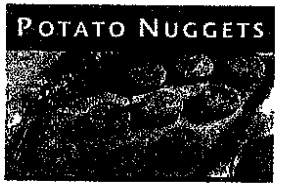
NET WT. 11 OZ.(312g) KEEP FROZEN KOSHER PARVE

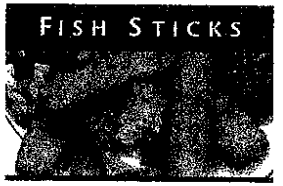
P 0007











Nutrition Facts

Serving Size 1 Burger (78g)
Serving Per Container 4

Amount Per Serving	
Calories 92	Calories from Fat 30
	% Daily Value*
Total Fat 4g	3%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 190mg	8%
Total Carbohydrate 9g	4%
Dietary Fiber 4g	16%
Sugars 0g	
Protein 5g	

Vitamin A 50% • Vitamin C 7%
Calcium 5% • Iron 7%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil Do not add any shortening. Broil 5-7 minutes on each side or until browned to taste.

Barbecue: Place on hot barbeque until golden brown.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

Dr. Peter Praeger

KOSHER PARVE

DR. PRAEGER'S
SENSIBLE FOODS

ALL NATURAL

california veggie burgers

Made with Oat Bran

0g trans fat, saturated fat & cholesterol

GMO Free

Ingredients

Carrots, Onions, String Beans, Soy Beans, Zucchini, Peas, Textured Soy Flour, Spinach, Broccoli, Oat Bran, Expeller Pressed Canola Oil, Corn, Red Pepper, Arrowroot, Corn Starch, Garlic, Corn Meal, Salt, Parsley, Black Pepper.

American Heart Association

Meets American Heart Association food criteria for saturated fat and cholesterol for healthy people over age 2

While many factors affect heart disease, diets low in saturated fat and cholesterol may reduce the risk of this disease.

Another Great
Dr Praeger's Sensible Foods™
Product Manufactured by:
Ungar's Food Products
Elmwood Park, N.J. 07407
www.drpraegers.com
EU# 3001237875

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P 0008

Where you recognize all the ingredients

DR. PRAEGER'S®
SENSIBLE FOODS

ALL NATURAL
california veggie burgers

T06BG

4 BURGERS INDIVIDUALLY WRAPPED

NET WT. 11 OZ.(312g)

P 0009

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

california veggie burgers

4 BURGERS
INDIVIDUALLY WRAPPED

NET WT. 11 OZ.(312g)

P 0010

P 0011

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

california veggie burgers

P 0012

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

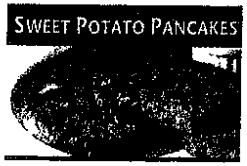
broccoli pancakes

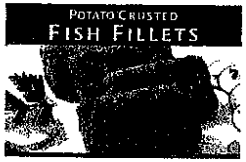
0g trans fat, saturated fat & cholesterol

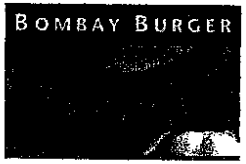
Heart Healthy

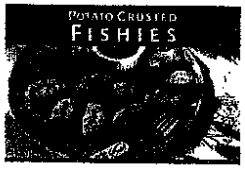
NET WT. 12 OZ.(340g) KEEP FROZEN Ⓤ KOSHER PARVE

P 0013









Nutrition Facts

Serving Size 1 Pancake (38g)
Serving Per Container 9

Amount Per Serving	
Calories 40	Calories from Fat 20
	% Daily Value*
Total Fat 2g	3%
Saturated Fat 0g	1%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 130mg	6%
Total Carbohydrate 5g	2%
Dietary Fiber <1g	3%
Sugars 0g	
Protein 1g	
Vitamin A 3% •	Vitamin C 18%
Calcium 1% •	Iron 1%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 5-6 minutes on each side or until browned to taste.

Microwave:2 minutes each side. Serve with sour cream or apple sauce.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patient maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

Dr. Peter Praeger

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

0g trans fat, saturated fat & cholesterol

Ingredients

BROCCOLI, POTATOES, ONIONS, EGG WHITES, POTATO FLAKES, EXPELLER PRESSED CANOLA OIL, SALT, GARLIC, BLACK PEPPER.

Ⓤ KOSHER PARVE

GLUTEN FREE

Another Great
Dr. Praeger's Sensible Foods™
Product Manufactured by:
Ungar's Food Products
Elmwood Park, N.J. 07407
www.drpraegers.com
EU# 3001237875

0 80868 00056 5

P 0014

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

N06BG

NET WT.
12 OZ.(340g)

P 0015

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

NET WT.
12 OZ.(340g)

P 0016

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

P 0017

P 0018

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

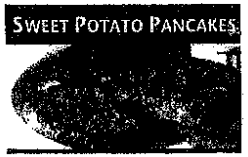
broccoli pancakes

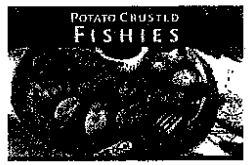
0g trans fat
saturated fat & cholesterol, low sodium

Heart Healthy

NET WT. 12 OZ.(340g) KEEP FROZEN ⓤ KOSHER PARVE

P 0019





NET WT. 12 OZ.(340g)

Nutrition Facts

Serving Size 1 Pancake (38g)
Serving Per Container 9

Amount Per Serving	
Calories 60	Calories from Fat 30
	% Daily Value*
Total Fat 3.5g	5%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 120mg	5%
Total Carbohydrate 6g	2%
Dietary Fiber less than 1g	2%
Sugars 0g	
Protein 1g	

Vitamin A 2% •	Vitamin C 4%
Calcium 0% •	Iron 2%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 5-6 minutes on each side or until browned to taste.

Microwave: Approximately 1 minute each side or until heated through. Serve with sour cream or apple sauce.

Dear Valued Customer:

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Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you.

Dr. Peter Praeger

DR. PRAEGER'S

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

0g trans fat, saturated fat & cholesterol low sodium

Ingredients

BROCCOLI, POTATO, ONIONS, EGG WHITES, OAT BRAN, EXPELLER PRESSED CANOLA OIL, ARROWROOT, SALT, GARLIC, PEPPER, ALL NATURAL VEGETABLE GUM.

Made in a facility that uses Wheat, Eggs and Soy.

(U) KOSHER PARVE
ברכתו האדמה

Manufactured by:
Dr. Praeger's Sensible Foods
Elmwood Park, N.J. 07407
www.drpraegers.com

EU# 3001237875

0 80868 00056 5

P 0020

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED
R06CE

NET WT.
12 OZ.(340g)

P 0021

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

broccoli pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

NET WT.
12 OZ. (340g)

P 0022

DR. PRAEGER'S®

SENSIBLE FOODS

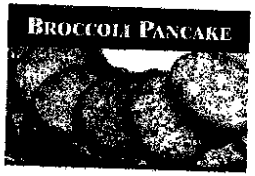
ALL NATURAL

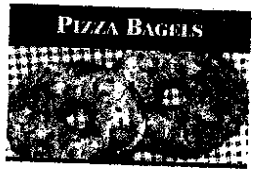
broccoli pancakes

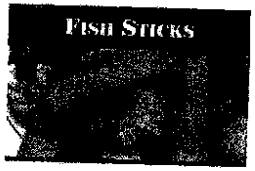
P 0023

P 0024

P 0025







Nutrition Facts

Serving Size 1 Pancake (40g)
Serving Per Container 9

Amount Per Serving

Calories 50 Calories from Fat 20

	% Daily Value*
Total Fat 2.5g	4%
Saturated Fat 0g	1%
Cholesterol 15mg	5%
Sodium 95mg	4%
Total Carbohydrate 7g	2%
Dietary Fiber less than 1g	3%
Sugars 0g	
Protein 2g	

Vitamin A 0% • Vitamin C 7%
Calcium 1% • Iron 3%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven
Preheat oven on broil. Do not add any shortening. Broil 5-8 minutes on each side or until browned to taste.

Microwave
2 minutes each side.

Serve with sour cream or apple sauce

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you.

Dr. Peter Praeger

QUALITY®
DR. PRAEGER'S
SENSIBLE FOODS
TODAY'S MENU FOR A HEALTH CONSCIOUS LIFESTYLE

HOMESTYLE
POTATO PANCAKES

Ingredients

Potatoes, Onions, Eggs, Oat Bran, Expeller Pressed Canola Oil, Arrowroot, Spices.

KOSHER PARVE Ⓤ

Another Great
DR. PRAEGER'S SENSIBLE FOODS™
Product Manufactured By:
Ungar's Food Products
Elmwood Park, N.J. 07407
www.drpraegers.com

0 80868 00012 1

P 0026

QUALITY®
DR. PRAEGER'S
SENSIBLE FOODS
TODAY'S MENU FOR A HEALTH CONSCIOUS LIFESTYLE

HOMESTYLE

POTATO PANCAKES

I05CH

9 CAKES

NET WT. 12.7 oz.(360g)

P 0027

P 0028

QUALITY®

DR. PRAEGER'S

SENSIBLE FOODS

TODAY'S MENU FOR A HEALTH CONSCIOUS LIFESTYLE

HOMESTYLE

POTATO PANCAKES

P 0029

P 0030

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

potato pancakes

low in saturated fat, cholesterol & sodium, 0g trans fat

Heart Healthy

NET WT. 13.5 OZ.(382g) KEEP FROZEN Ⓤ KOSHER PARVE

P 0031

NET WT. 13.5 OZ.(382g)

Nutrition Facts

Serving Size 1 Pancake (40g)
Serving Per Container 9

Amount Per Serving	
Calories 80	Calories from Fat 45
	% Daily Value*
Total Fat 5g	8%
Saturated Fat .5g	3%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 115mg	5%
Total Carbohydrate 7g	2%
Dietary Fiber less than 1g	3%
Sugars 0g	
Protein 1g	

Vitamin A 0%	Vitamin C 0%
Calcium 0%	Iron 2%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 5-6 minutes on each side or until browned to taste.

Microwave: Approximately 1 minute on each side until heated through. Serve with sour cream or apple sauce.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you.

Dr. Peter Praeger

DR. PRAEGER'S
SENSIBLE FOODS

ALL NATURAL

potato pancakes

low in saturated fat, cholesterol & sodium, 0g trans fat

Ingredients

POTATOES, ONIONS, EGGS, OAT BRAN, EXPELLER PRESSED CANOLA OIL, ARROWROOT, SALT, GARLIC, PEPPER, ALL NATURAL VEGETABLE GUM.

Made In a facility that uses Wheat, Eggs and Soy.

Ⓤ KOSHER PARVE
ברכתו האדמה

Manufactured by:
Dr. Praeger's Sensible Foods™
Elmwood Park, N.J. 07407
www.drpraegers.com
EU# 3001237875

0 80868 00012 1

P 0032

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

potato pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

R06CE

NET WT.
13.5 OZ.(382g)

P 0033

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

potato pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

NET WT.
13.5 OZ. (382g)

P 0034

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

potato pancakes

P 0035

P 0036

EXHIBIT 2

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NEW YORK 10174
www.troutmansanders.com
TELEPHONE: 212-704-6000
FACSIMILE: 212-704-6288

Matthew J. Aaronson
matthew.aaronson@troutmansanders.com

Direct Dial: 212-704-6006
Fax: 212-704-5901

May 24, 2006

BY FEDERAL EXPRESS

Ms. Kathy Barry
ABC Research Corp.
3437 S.W. 24th Avenue
Gainsville, FL 32607

Re: Testing of Nutritional Content

Dear Ms. Barry:

Pursuant to our telephone conversation on May 23, 2006, enclosed please find samples of the following five frozen food products for testing:

Dr. Praeger's California Veggie Burgers (Lot Code T06BG)
Dr. Praeger's Broccoli Pancakes (Lot Code N06BG)
Dr. Praeger's Broccoli Pancakes (Lot Code R06CE)
Dr. Praeger's Potato Pancakes (Lot Code I05CH)
Dr. Praeger's Potato Pancakes (Lot Code R06CE)

Please note that each package must be analyzed and reported separately as the stated nutritional information differs on each package even where the products are the same. Each report should identify the product by name and lot code. I would like each package analyzed for their caloric, fat and sodium content per serving. As discussed, the fee for these tests would be $119 per package. Please advise the technician who performs the analysis that these tests may be used in litigation and that he should preserve the packaging that the products come in and arrange to have the packaging returned to my attention.

Pursuant to your directions, we have shipped the samples in a cooler with ice packs to maintain the proper temperature of the samples.

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

Please contact me with the results of your analysis as soon as possible.

Very truly yours,

Matthew J. Aaronson

Print Form

ABC Research Corporation
3437 S.W. 24th Ave
Gainesville, FL 32607
Tel. 352-372-0436
E-mail info@abcr.com
Website: www.abcr.com
Fax 352-378-6483

SAMPLE SUBMISSION FORM

Send Results To:
Attn Matthew J. Aaronson, Esq.
Company: Troutman Sanders LLP
Address: 405 Lexington Avenue
New York, NY 10174
Phone: 212-704-6006
Fax: 212-704-5901
E-mail: matthew.aaronson@troutmansanders.com

Invoice To: (If Different)
Attn
Company:
Address:
Phone: ( )
Fax: ( )
E-mail:

Date Submitted: May 24, 2006
P.O. #
ABC Contact: Kathy Barry

Results are to be: (Check all that Apply)		
	Yes	No
FAXED	☐	☐
E-MAILED	☒	☐
MAILED	☒	☐

ABC Research Laboratory # **Customer #** 15596

ABC #	Sample Analysis Identification / Description	Requested (UNLESS PRIOR ARRANGEMENTS ARE MADE, SAMPLES ARE HELD FOR 30 DAYS ONLY)	Special Instructions
6909-1	Dr. Praeger's California Veggie Burgers (Lot Code T06BG) 4 - 338.76g	Analyze Calories, Total fat and Sodium per serving	Preserve packaging
2	Dr. Praeger's Broccoli Pancakes (Lot Code N06BG) 9 - 390.18g	Analyze Calories, Total fat and Sodium per serving	Preserve packaging
3	Dr. Praeger's Broccoli Pancakes (Lot Code R06CE) 9 - 363.87g	Analyze Calories, Total fat and Sodium per serving	Preserve packaging
4	Dr. Praeger's Potato Pancakes (Lot Code I05CH) 9 - 383.43	Analyze Calories, Total fat and Sodium per serving	Preserve packaging
5	Dr. Praeger's Potato Pancakes (Lot Code R06CE) 9 - 399.18	Analyze Calories, Total fat and Sodium per serving	Preserve packaging

LABORATORY USE ONLY	Condition Received: *(check all that apply)*
Received By:	Frozen ☑ Refrigerated ☐ Ambient ☐ Hot ☐
Date: 5/25/06	Good ☐ Poor ☐ Damaged ☐ Delayed in Shipping ☐

Customer Release (Sign & Date)

*Please note, results are only representative of the sample submitted.

Use Additional Forms If Necessary

EXHIBIT 3

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

california veggie burgers

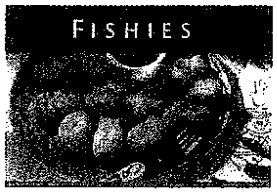
Made with Oat Bran

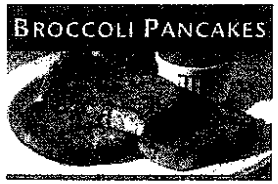
No trans fat or cholesterol

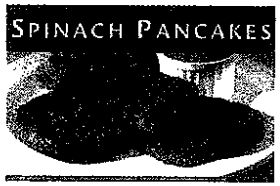
GMO Free

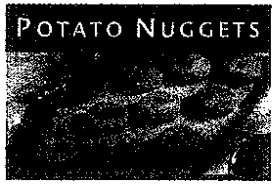
NET WT. 11 OZ.(312g) KEEP FROZEN KOSHER PARVE

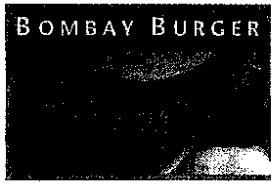
P 0040

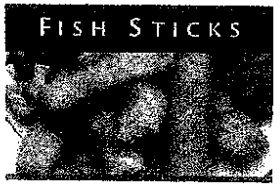












Nutrition Facts

Serving Size 1 Burger 2.75 oz (78g)
Serving Per Container 4

Amount Per Serving	
Calories 110	Calories from Fat 40
	% Daily Value*
Total Fat 4.5g	7%
Saturated Fat less than 0.5g	2%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 190mg	8%
Total Carbohydrate 13g	4%
Dietary Fiber 3g	12%
Sugars 2g	
Protein 6g	

Vitamin A 0% • Vitamin C 0%
Calcium 6% • Iron 10%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

NET WT. 11 OZ.(312g)

Cooking Instructions

Keep Frozen Prior to Cooking.
Product is fully cooked.

Oven or Toaster Oven: Preheat oven on broil Do not add any shortening. Broil 5-7 minutes on each side or until heated through and browned to taste.

Barbecue: Place on hot barbeque until golden brown.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

Dr. Peter Praeger

KOSHER PARVE
ברכתו תאדמה

DR. PRAEGER'S

ALL NATURAL
california veggie burgers

Made with Oat Bran
No trans fat or cholesterol
GMO Free

Ingredients

Carrots, Onions, String Beans, Soy Beans, Zucchini, Peas, Textured Soy Flour, Spinach, Broccoli, Oat Bran, Expeller Pressed Canola Oil, Corn, Red Pepper, Arrowroot, Corn Starch, Garlic, Corn Meal, Salt, Parsley, Black Pepper, All Natural Vegetable Gum.

Made in a facility that uses Wheat and Eggs.

Manufactured by:
Dr. Praeger's Sensible Foods™
Elmwood Park, N.J. 07407
www.drpraegers.com
EU# 3001237875

0 80868 00010 7

P 0041

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

california veggie burgers

F06CB

4 BURGERS
INDIVIDUALLY WRAPPED

NET WT. 11 OZ.(312g)

P 0042

Where you recognize all the ingredients

DR. PRAEGER'S®
SENSIBLE FOODS

ALL NATURAL
california
veggie burgers

4 BURGERS
INDIVIDUALLY WRAPPED

NET WT. 11 OZ.(312g)

P 0043

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

californiaveggieburgers

P 0044

DR. PRAEGER'S®
SENSIBLE FOODS

ALL NATURAL
california veggie burgers

P 0045

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

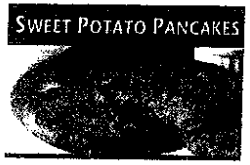
spinach pancakes

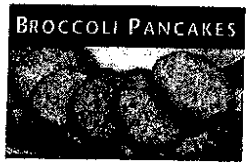
0g trans fat, saturated fat & cholesterol

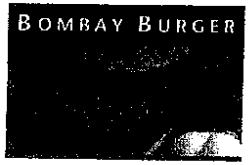
Heart Healthy

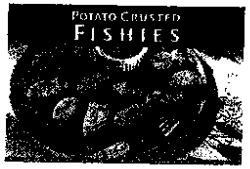
NET WT. 12 OZ.(340g) KEEP FROZEN ⓤ KOSHER PARVE

P 0046









Nutrition Facts

Serving Size 1 Pancake (38g)
Serving Per Container 9

Amount Per Serving	
Calories 40	Calories from Fat 20
	% Daily Value*
Total Fat 2g	3%
Saturated Fat 0g	1%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 130mg	6%
Total Carbohydrate 5g	2%
Dietary Fiber <1g	3%
Sugars 0g	
Protein 1g	
Vitamin A 31% •	Vitamin C 9%
Calcium 2% •	Iron 2%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 5-6 minutes on each side or until browned to taste.

Microwave:2 minutes each side. Serve with sour cream or apple sauce.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patient maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

Dr. Peter Praeger

DR. PRAEGER'S

ALL NATURAL

spinach pancakes

0g trans fat, saturated fat & cholesterol

Ingredients

SPINACH, POTATOES, ONIONS, EGG WHITES, POTATO FLAKES, EXPELLER PRESSED CANOLA OIL, SALT, GARLIC, PEPPER.

Ⓤ KOSHER PARVE

GLUTEN FREE

Another Great
Dr. Praeger's Sensible Foods™
Product Manufactured by:
Ungar's Food Products
Elmwood Park, N.J. 07407
www.drpraegers.com
EU# 3001237875

0 80868 00055 8

P 0047

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

spinach pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

W05AB

NET WT.
12 OZ.(340g)

P 0048

Where you recognize all the ingredients

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

spinach pancakes

9 PANCAKES
INDIVIDUALLY WRAPPED

NET WT.
12 OZ.(340g)

P 0049

DR. PRAEGER'S®

SENSIBLE FOODS

ALL NATURAL

spinach pancakes

P 0050

P 0051

EXHIBIT 4

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NEW YORK 10174
www.troutmansanders.com
TELEPHONE: 212-704-6000
FACSIMILE: 212-704-6288

Matthew J. Aaronson
matthew.aaronson@troutmansanders.com

Direct Dial: 212-704-6006
Fax: 212-704-5901

June 19, 2006

BY FEDERAL EXPRESS

Ms. Kathy Barry
ABC Research Corp.
3437 S.W. 24th Avenue
Gainsville, FL 32607

Re: Testing of Nutritional Content

Dear Ms. Barry:

Enclosed please find samples of the following two frozen food products for testing:

Dr. Praeger's California Veggie Burgers (Lot Code F06CB)
Dr. Praeger's Spinach Pancakes (Lot Code W05AB)

Please note that each package must be analyzed and reported separately. Each report should identify the product by name and lot code. I would like each package analyzed for their caloric, fat and sodium content per serving. Enclosed please find a check in the amount of $238, representing the $119 testing fee per package.

Please advise the technician who performs the analysis that these tests may be used in litigation and that he/she should preserve the packaging that the products come in and arrange to have the packaging returned to my attention.

Pursuant to your directions, we have shipped the samples in a cooler with ice packs to maintain the proper temperature of the samples.

Please contact me with the results of your analysis as soon as possible.

Very truly yours,

Matthew J. Aaronson

enclosures

Print Form

ABC Research Corporation
3437 S.W. 24th Ave
Gainesville, FL 32607
Tel. 352-372-0436
E-mail info@abcr.com
Website: www.abcr.com
Fax 352-378-6483

SAMPLE SUBMISSION FORM

Send Results To:
Attn Matthew J. Aaronson, Esq.
Company: Troutman Sanders LLP
Address: 405 Lexington Avenue
New York, NY 10174
Phone: 212-704-6006
Fax: 212-704-5901
E-mail: matthew.aaronson@troutmansanders.com

Invoice To: (If Different)
Attn
Company:
Address:
Phone: ( )
Fax: ( )
E-mail:

Date Submitted: June 19, 2006
P.O. #
ABC Contact: Kathy Barry

Results are to be: (Check all that Apply)		
	Yes	No
FAXED	☐	☐
E-MAILED 6/27/06 MW	☒	☐
MAILED	☒	☐

ABC Research Laboratory # **Customer #**

ABC #	Sample Analysis Identification / Description	Requested (UNLESS PRIOR ARRANGEMENTS ARE MADE, SAMPLES ARE HELD FOR 30 DAYS ONLY)	Special Instructions
	Dr. Praeger's California Veggie Burgers (Lot Code F06CB)	Analyze Calories, Total fat and Sodium per serving	Preserve packaging 324.60/4
	Dr. Praeger's Spinach Pancakes (Lot Code W05AB)	Analyze Calories, Total fat and Sodium per serving	Preserve packaging 378.66/4

LABORATORY USE ONLY	Condition Received: *(check all that apply)*
Received By:	Frozen ☐ Refrigerated ☐ Ambient ☐ Hot ☐
Date: 6/20/06	Good ☐ Poor ☐ Damaged ☐ Delayed in Shipping ☐

Customer Release (Sign & Date)

*Please note, results are only representative of the sample submitted.

Use Additional Forms If Necessary